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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,618	05/19/2004	Frank Niebuhr	60130-2082; 03MRA0207	6549
26096	7590	11/17/2006	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			KUHNS, ALLAN R	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/849,618

Applicant(s)

NIEBUHR ET AL.

Examiner

Allan Kuhns

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as set forth in paragraph [0006] in the specification in view of Yamazaki (5,989,480). The admitted prior art discloses or suggests the basic claimed method for manufacturing a composite part having an outer skin that is visible when the composite part is installed on a vehicle including (1) providing a foil part having the outer skin, the foil part having a removable protective foil disposed on a front side of the outer skin, the removable protective foil having an outer side, (2) placing the foil part together with the removable protective foil in a die or mold (the admitted prior art discloses that the foil is back-foamed and it is well known to perform such an operation in a mold or die and such would have been obvious to one of ordinary skill in the art in order to contain the foam during the back-foaming operation), and (3) applying a plastic layer via a high-pressure process (e.g. back-foaming) on a rear side of the outer skin. The admitted prior art does not teach the aspect of reworking a foil or film to smooth its surface, but such is taught by Yamazaki, in a method of molding a patterned composite product having a film layer, by stating at column 14, lines 56-67 that the film is never held in touch with the fixed mold while the film is wrinkled or twisted. Given this teaching of Yamazaki, it would have been obvious to one of ordinary skill in the art to rework the foil of the admitted prior art to smooth its

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surface and then place the foil in a die or mold in order to prevent the foil from contacting the mold surface while it is wrinkled.

The admitted prior art teaches back-foaming, as in claims 2 and 10, and it is submitted that the pressure of back foaming causes at least some reshaping to conform the foil to the mold surface, as in claim 3. The admitted prior art suggests the reshaping of claim 4, and it is submitted that the back-foaming causes reshaping under influence of heat, as in claim 5. It is well known to form foil and plastic layers with the shape and constituents of claims 6-11 and such would have been obvious to one of ordinary skill in the art in order to form commercially acceptable vehicle trim components. The admitted prior art suggests the order of claim 22 and the forming of a mount-on vehicle body panel, as in claim 13.

3. Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as set forth in paragraph [0006] in the specification in view of Yamazaki as applied to claims 1-11, 13 and 22 above, and further in view of Gossie (3,970,508). In preparing a film for subsequent application to a surface, Gossie teaches that it is known to smooth the film by hand, at column 1, lines 5-17, to remove blisters or bubbles or wrinkles, and discloses an apparatus to smooth the film. Based on this teaching of Gossie, it would have been obvious to one of ordinary skill in the art to buff or polish the film or foil of the admitted prior art in order to remove any blisters, bubbles or wrinkles.

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4.Applicant's arguments filed September 15, 2006 have been fully considered but they are not persuasive. Applicant's arguments are considered to be moot by the examiner based on the revised grounds of rejection introduced in this Office action.

5.Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Allen R. Kuhns
ALLAN R. KUHNS
PRIMARY EXAMINER AU 1732
11-15-06